

Applicant or Patentee: \_\_\_\_\_ Regina Reszka et al. \_\_\_\_\_  
Serial or Patent Number: \_\_\_\_\_ Attorney's Docket No. 2936.169/00  
Filed or Issued: \_\_\_\_\_  
For: Agent for Gene Therapy of Tumor, Neurodegenerative,...

Verified Statement (Declaration) Claiming SMALL ENTITY  
Status (37 CFR 1.9(f) and 1.27 (d)) - Small Business Concern F:\WP51\FORMS\PATENT\149

I hereby declare that I am

the owner of the small business concern identified below  
 an official of the small business concern empowered to act on behalf of the concern identified below

NAME OF CONCERN Max-Delbrück-Centrum für Molekulare Medizin  
ADDRESS OF CONCERN Robert-Rössle-Strasse 10, D-13125 Berlin, Germany

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

Agent for Gene Therapy of Tumor, Neurodegenerative, Cardiovascular and Autoimmune Diseases  
by inventor(s) Regina Reszka and Antje Berndt

described in

The specification filed herewith  
 application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

U.S. Small Entity Declaration  
Small Business  
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NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

Individual       Small Business Concern       Nonprofit Organization

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

Individual       Small Business Concern       Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Prof. Dr. D. Ganter      Dr. E. Jost

TITLE OF PERSON OTHER THAN OWNER: Scientific Director      Admin. Director

ADDRESS OF PERSON SIGNING: MAX-DELBRÜCK-CENTRUM FÜR MOLEKULARE MEDIZIN

Robert-Rössle-Str. 10, D-13125 Berlin

SIGNATURE C. L. J. DATE June 7, 2000



9/6. 2000

21. Juni 2000

**LONDA & GLUCK LLP**

20 Exchange Place - 37<sup>th</sup> Floor  
 New York, New York 10005  
 United States of America

If each inventor understands English, the Declaration and Power of Attorney below is suitable for use when filing a regular patent application and also when entering the national stage, in the case of an International application designating the USA under the PCT.

**COMBINED DECLARATION AND POWER OF ATTORNEY FOR  
PATENT APPLICATION**

 Attorney Docket No.  
 2936.169/00

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below at 201) or an original, first and joint inventor (if plural names are listed below at 201-205) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Agent for Gene Therapy of Tumor, Neurodegenerative, Cardiovascular and Autoimmune Diseases

the specification of which (check one)

is attached hereto

was filed on 14 December 1998

under Serial Number PCT/DE98/03763 and was amended on \_\_\_\_\_  
 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I list below any prior foreign application(s) for patent or inventor's certificate in respect of which foreign priority benefits are claimed under 35 USC 119; and any prior foreign application(s) for patent or inventor's certificate in respect of which such foreign priority rights are not claimed and which has a filing date before that of any application in respect of which such foreign priority benefits are claimed:

Application Number	Country	Filing Date (day, month, year)	Priority Claimed under 35 USC 119
197 56 309.0	Germany	12 December 1997	YES: <input checked="" type="checkbox"/> NO: _____
			YES: _____ NO: _____
			YES: _____ NO: _____

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date

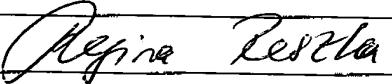
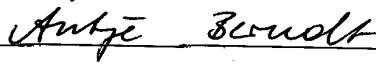
Combined Declaration and Power of Attorney  
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

10  
**Bruce S. Londa (33,531); Lorimer P. Brooks (15,155); William R. Robinson (27,224);  
 Kurt G. Brisco (33,141); William C. Gerstenzang (27,552); Robert A. Hyde (46,354);  
 Davy E. Zoneraich (37,267); Mark A. Montana (44,948);  
 Stephen G. Ryan (39,015); and Peter A. Businger (27,862)**

<b>201</b> <i>1-00</i>	Family Name <u>RESZKA</u>	First Given Name <u>Regina</u>	Second Given Name
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<b>202</b> <i>2-00</i>	Family Name <u>BERNDT</u>	First Given Name <u>Antje</u>	Second Given Name
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	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country
<b>204</b>	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country

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2936.169/00  
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205	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p>			
Signature of Inventor 201			Date 19-6-00
Signature of Inventor 202			Date 21-6-00
Signature of Inventor 203			Date
Signature of Inventor 204			Date
Signature of Inventor 205			Date